

**NITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13
Denise Lorraine West, :
Debtor. : Bankruptcy No. 14-11981-MDC

O R D E R

AND NOW, pursuant to the Supplemental Application for Compensation and Reimbursement of Expenses (the “Supplemental Application”)¹ filed by the Law Offices of Georgette Miller (the “Applicant”), counsel to Denise Lorraine West (the “Debtor”), the Applicant requests the allowance of compensation in the amount of \$6,850.00 and the reimbursement of expenses in the amount \$0.00.

AND, the Applicant filed a certification that proper service has been made on all interested parties.

AND, the Applicant filed a certification of no response.

AND, the Applicant was previously paid \$250.00 by the Debtor (the “Pre-Paid Amount”).

AND, on June 2, 2015, this Court entered an Order² approving Applicant’s initial Application for Compensation and Reimbursement of Expenses,³ which requested payment in the amount of \$3,250.00, of which \$3,000.00 was to be paid under the plan.

AND, this Court entered an Order dated November 30, 2017 (the “Modification Order”),⁴ granting the Debtor’s Motion to Modify Plan dated August 2, 2017, for a modified plan filed on October 2, 2017 (the “Plan”).⁵

¹ Bankr. Docket No. 94.

² Bankr. Docket No. 39.

³ Bankr. Docket No. 36.

⁴ Bankr. Docket No. 105.

⁵ Bankr. Docket No. 101.

AND, the Plan provided for Administrative Expenses detailed as: “(2) Attorney’s Fee (unpaid portion): \$3,000.00 to be paid through plan in monthly payments; (3) Supplemental Fee (unpaid portion): \$3,300 to be paid through plan.” Plan, ¶4A.

AND, a confirmation order precludes the relitigation of any issues that were determined by the confirmation order. *In re Szostek*, 886 F.2d 1405, 1408-09 (3d Cir. 1989); *In re McDuffie*, Bky. No. 03-65333, 2005 WL 3108234, *1 (Bankr. D. Md. Feb. 22, 2005) (“since no amendment to the plan was filed to increase the specific amount to be paid to counsel, the court cannot order payment through the plan as an administrative expense.”); *In re Lasica*, 294 B.R. 718, 722 (Bankr. N.D. Ill. 2003) (denying fee request because applicant was bound by terms of previously confirmed Chapter 13 plan); *In re Young*, 285 B.R. 168, 174-75 (Bankr. D. Md. 2002) (“the confirmation of the plan, in which a specific amount of disbursement to counsel for the debtor as attorney’s fees was required, acted as a final adjudication of the matters set forth in the plan.”).

It is hereby **ORDERED** that:

1. The Application is **GRANTED IN PART** and **DENIED IN PART**.
2. Consistent with the Modification Order, compensation is allowed in favor of the Applicant in the total amount of \$6,550.00 and reimbursement of expenses is allowed in favor of the Applicant in the amount of \$0.00 (the “Allowed Compensation and Expenses”). *See* L.B.R. 2016-1(f) (governing procedure for disposition of fee applications without a hearing).
3. The Trustee is authorized to distribute to the Applicant the Allowed Compensation and Expenses less the Pre-Paid Amount as an administrative expense pursuant to 11 U.S.C. §§330, 331, 503(b).

Dated: December 6, 2017

Magdelene D. Coleman

MAGDELENE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

Georgette Miller, Esquire
Law Office of Georgette Miller Esq. PC
335 Evesham Avenue
Lawnside, NJ 08045

William C. Miller, Esquire
Chapter 13 Trustee
1234 Market Street, Suite 1813
Philadelphia, PA 19107

United States Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107